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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

SERGIO ORTEGA,

Defendant and Appellant.

E059356

(Super.Ct.No. FVI1203105)

OPINION

APPEAL from the Superior Court of San Bernardino County. Debra Harris,  
Judge. Affirmed.

Richard Glen Boire, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

**INTRODUCTION**

On November 29, 2012, a felony complaint, later deemed an information, charged  
defendant and appellant Sergio Ortega with first degree residential burglary under Penal

Code<sup>1</sup> section 459 (count 1), a strike as defined under sections 1192.7, subdivision (c), and 667.5, subdivision (c).

On June 4, 2013, defendant pled not guilty at his arraignment.

On June 13, 2013, under the terms of a negotiated plea agreement, defendant withdrew his earlier plea and entered a plea of nolo contendere as to count 1. That same day, the court sentenced defendant to two years in state prison and award 440 days of credit for time served (220 actual days and 220 conduct credits). The court ordered the sentence to run concurrent with any other sentence defendant may be obliged to serve.

On July 29, 2013, defendant filed a timely notice of appeal.

### **STATEMENT OF FACTS**

On or about October 10, 2012, defendant broke into his ex-wife's home and stole her laptop computer.<sup>2</sup>

### **ANALYSIS**

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to undertake a review of the entire record.

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise specified.

<sup>2</sup> Because defendant entered a plea of nolo contendere, waived a probation report, and was sentenced the same day as his plea, the statement of facts is derived from the police report, which defendant stipulated as setting forth a factual basis for his plea.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

**DISPOSITION**

The judgment is affirmed.

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RICHLI  
J.

We concur:

RAMIREZ  
P. J.

KING  
J.